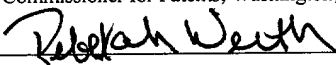


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Rebekah Werth

EL 719395295 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

DATTAGUPTA, et al.

Serial No.: Not yet assigned

Continuation of Serial No. 09/384,717

Filing Date: Herewith

For: STABILIZATION OF NUCLEIC ACID
AMPLIFICATION COCKTAIL

Examiner: Not yet assigned

Group Art Unit: Not yet assigned

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

REMARKS

Before examination on the merits, Applicants respectfully request consideration of this Preliminary Amendment.

The Applicants would like to distinguish a particular reference, Park et al., U.S. Patent No. 6,153,412 (Park et al.), based upon the currently pending claims. Park et al. discloses the use of a stabilizing and sedimenting agent, *i.e.*, glycerol, glucose, polyol, water soluble dye and

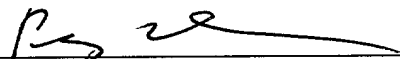
bromophenol blue, in PCR. According to Park, these stabilizing and sedimenting agents reduce contamination in PCR by minimizing sample handling (See Park at column 3, line 58 through column 4, line 14). Park does not disclose the inhibition of non-PCR nucleic acid amplification. In addition, the stabilizing and sedimenting agents disclosed in Park stabilize PCR reagents and do not inhibit any reaction.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 475412000301. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: January 14, 2002

By:


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